

Application No. 09/986,723
Amendment dated December 16, 2004
Reply to Office Action of August 16, 2004

Docket No. 0505-0914P
Art Unit: 2654
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AMENDMENTS TO THE DRAWINGS

Applicants are concurrently submitting one sheet of Revised Formal Drawings (FIG.

1) in order to properly label bushing 64.

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 and 25-31 are pending. Claims 21-24 are canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 9, and 17 are amended, and claims 25-31 are added. Claims: 1, 9, 17, 28, and 30 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 5-8, 13-16, and 21-24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims;

The Applicant appreciates the Examiner's early indication of allowable subject matter. As indicated below,

independent claims 1 and 9 are each amended to include a novel combination of elements not suggested by the cited references, and

independent claim 17 is amended to incorporate the allowable subject matter of objected-to claim 21.

Therefore, independent claims 1, 9, and 17 are in condition for allowance.

Claim for Priority

It is gratefully appreciated that the Examiner has acknowledged the Applicant's claim for foreign priority.

Acknowledgement of Information Disclosure Statement

It is gratefully acknowledged that the Examiner has acknowledged the Information Disclosure Statement filed on November 9, 2001.

Objection to the Specification

The Title and paragraphs [0003], [0022], [0023], [0032], [0054], and [0061] are amended as suggested by the Examiner. Accordingly, reconsideration and withdrawal of the objections to the specification are respectfully requested.

Objection to the Drawings

The Examiner has objected to the drawings because “4c” (FIGS. 4 and 5) is not explained; “34” (FIG. 1) is used to designate both “electrode” and “bushing” in paragraph [0032]; and the drawings allegedly do not include “40” as mentioned in paragraph [0054].

In order to overcome this objection,

paragraph [0054] is amended to describe link 4c;

paragraph [0032] is amended and FIG. 1 is revised to properly label bushing 64; and

FIG. 3 properly shows operation switch 40.

Applicants are concurrently submitting one sheet of Revised Formal Drawings (FIG. 1) for the Examiner’s approval, which address each of the deficiencies pointed out by the Examiner. Accordingly, reconsideration and withdrawal of the objections to the drawings are respectfully requested.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 9 and 17 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claims 9 and 17 to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §102(b) and 103(a)

Claim 1 stands rejected under 35 U.S.C. §102(b) as being unpatentable over Allen et al. (U.S. 5,526,419) in view of Williamson III (U.S. 5,369,711),

claims 2, 10, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allen et al. in view of Williamson III and further in view of Kono (JP 09-09095);

claims 3, 11, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allen et al. in view of Williamson III and further in view of Yamaguchi et al. (U.S. 5,751,822); and

claims 4, 12, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allen et al. in view of Williamson III and further in view of Kono and further in view of Yamaguchi et al.

These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 9

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, each of independent claims 1 and 9 are amended herein to recite a combination of elements directed to a speech communication apparatus, including

control means having a VOX detection circuit, a sneezing detection circuit, and an OR circuit, the OR circuit for outputting a theoretical sum of an output signal from the VOX detection circuit and an output signal from the sneezing detection circuit for controlling the gain of said amplifying means.

Support can be seen, for example, in FIG. 3.

By contrast, as can be seen in Allen et al. FIG. 1, and Williamson III FIGS. 1 and 2, each of these documents is silent about an OR circuit outputting a sum of signals received from two detection circuits, as presently claimed.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 9 is not disclosed or made obvious by the prior art of record, including Allen et al. and Williamson III, at least for the reasons explained above.

Therefore, independent claims 1 and 9 are in condition for allowance.

Amendments to Independent Claim 17

As noted above, independent claim 17 amended to incorporate the allowable subject matter of objected-to claim 21.

Therefore, independent claim 17 is in condition for allowance.

Added Independent Claims 28 and 30

Independent claim 28 is added herein to recite a combination of elements directed to a speech communication apparatus, including

wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal exceeds a predetermined level.

Support for the novel features set forth in claim 28 can be found in the specification, for example, in paragraphs [0008], [0048], and [0050].

In addition, independent claim 30 is added herein to recite a combination of elements directed to a speech communication apparatus, including

wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal stays below a predetermined level.

Support for the novel features set forth in claim 30 can be found in the specification, for example, in paragraph [0046].

By contrast, each of Allen et al. and Williamson is silent about said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal exceeds (stays below) a predetermined level.

In particular, nowhere in Allen et al. is there any suggestion making the amplifying means to be mute for a predetermined time when said input signal exceeds (stays below) a predetermined level.

In addition, Williamson, III column 6, line 26-29 mentions a timer 28, but there is no suggestion of control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal exceeds (stays below) a predetermined level.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 28 and 30 is not disclosed or made obvious by the prior art of record, including Allen et al. and Williamson III, at least for the reasons explained above.

The Examiner will note that dependent claims 25-27, 29, and 31 are added to set forth additional novel features of the invention.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120.00 is being filed concurrently herewith.

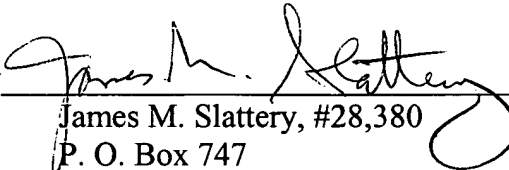
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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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Attachment: One Replacement Sheet Formal Drawing (FIG. 1)